

5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. Background

Monsanto Company, 700 Chesterfield Parkway, Saint Louis, Missouri 63198 has requested an extension/expansion of an existing EUP for the plant-pesticide *Bacillus thuringiensis* Cry2Ab insect control protein and the genetic material necessary for its production in cotton (Vector GHBK11).

Monsanto Company has requested an extension/expansion of the existing EUP (524-EUP-89, Bollgard II Cotton) to test 6,200 acres for Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, and Virginia for May 2001 to May 2002.

Cotton seed grown during the EUP is not to be used for food or feed. However, Monsanto Company has indicated that they intend to apply for a tolerance exemption for the Cry2Ab protein in cotton. Currently, the EUP approval is a crop destruct for Cry2Ab Bt cotton (524-EUP-89).

## III. What Action is the Agency Taking?

Following the review of the Monsanto application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

## IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

## List of Subjects

Environmental protection,  
Experimental use permits.

Dated: March 26, 2001.

**Phil Hutton,**

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 01-8485 Filed 4-5-01; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6962-7]

### Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, Southern Cross Superfund Site, Hazelwood, Missouri

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice, request for public comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended 42 U.S.C. 9622(h). This settlement is intended to resolve the liability of the Chromalloy American Corporation for response costs incurred at the Southern Cross Superfund Site, 143 McDonnell Boulevard in Hazelwood, St. Louis County, Missouri.

**DATES:** Written comments must be provided on or before May 7, 2001.

**ADDRESSES:** Comments should be addressed to Steven L. Sanders, Assistant Regional Counsel, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101 and should refer to: *In the Matter of Southern Cross Lumber Company Superfund Site*, EPA Docket No. CERCLA-07-2001-0009.

The proposed administrative cost recovery settlement may be examined in person at the United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. A copy of the proposed settlement may be obtained from Kathy Robinson, Regional Hearing Clerk, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551-7567.

**FOR FURTHER INFORMATION CONTACT:** Steven L. Sanders, Assistant Regional Counsel, Office of Regional Counsel, EPA Region VII, 901 North 5th Street,

Kansas City, Kansas 66101, telephone (913) 551-7010.

Dated: March 26, 2001.

**Michael J. Sanderson,**

*Director, Superfund Division, U.S. EPA, Region VII.*

[FR Doc. 01-8481 Filed 4-5-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-59374; FRL-6768-8]

### Approval of Test Marketing Exemption for a Certain New Chemical

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME 01-02. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective January 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: David Schutz, New Chemicals Prenotice Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-8994; e-mail address: schutz.david@epa.gov.

## SUPPLEMENTARY INFORMATION:

### I. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

## II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the Federal Register listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-59374. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

## III. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA and 40 CFR 720.38 authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes, if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test

marketing activity will not present an unreasonable risk of injury.

## IV. What Action is the Agency Taking?

EPA approves the above-referenced TME. EPA has determined that test marketing the new chemical substance, under the conditions set out in the TME application and in this notice, will not present any unreasonable risk of injury to health or the environment.

## V. What Restrictions Apply to this TME?

The test market time period, production volume, number of customers, and use must not exceed specifications in the application and this notice. All other conditions and restrictions described in the application and in this notice must also be met. In particular, the submitter agreed that any activity involving potential exposure to dry powdered material would be minimized by use of a NIOSH-approved, full face, positive pressure, air-supply respirator.

*TME-01-02.*

*Date of Receipt:* November 3, 2000.

*Notice of Receipt:* December 12, 2000  
65FR239 p 77627.

*Applicant:* Ilford Imaging USA.

*Chemical:* (G) copper complex with sulfonated azo dye, sodium salt.

*Use:* Dye for inkjet printer ink.

*Production Volume:* 75 kg/yr.

*Number of Customers:* 5.

*Test Marketing Period:* 365 days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substance.

## VI. What was EPA's Risk Assessment for this TME?

EPA identified no significant environmental concerns for the test market substance. EPA did identify a possibility of toxicity to workers from inhalation of powdered substance, but they were mitigated by the submitter's

agreement that any activity involving potential exposure to dry powdered material would be minimized by use of a NIOSH-approved, full face, positive pressure, air-supply respirator. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

## VII. Can EPA Change Its Decision on this TME in the Future?

Yes. The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

## List of Subjects

Environmental protection, Test marketing exemptions.

Dated: January 31, 2001.

**Rebecca S. Cool,**

*Chief, New Chemicals Prenotice Branch,  
Office of Pollution Prevention and Toxics.*

[FR Doc. 01-8486 Filed 4-5-01; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-59375; FRL-6777-2]

## Approval of Test Marketing Exemption for a Certain New Chemical

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-01-08. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective March 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

*For technical information contact:* David Schutz, New Chemicals Notice